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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **OAKLAND DIVISION**

12 DONALD NORMAN,
13 Plaintiff,
14 v.
15 INTERSANGO, LLC, et al.,
16 Defendants.

Case No. 4:16-cv-03587-YGR

STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE
[ECF NO. 30]

Judge: Honorable Yvonne Gonzalez Rogers
Dept.: Courtroom 1 – 4th Floor

Complaint Filed: June 26, 2016
Amended Complaint Filed: October 11, 2016

AS MODIFIED BY THE COURT

IT IS HEREBY STIPULATED, pursuant to Civil Local Rules 6-1, 6-2, and 7-12, and subject to approval by the Court, by and between the undersigned counsel for Plaintiff Donald Norman, Defendant Patrick Strateman, and Nominal Defendant Intersango, LLC (collectively, the “Parties”), as follows:

1. The Court set the initial Case Management Conference (“CMC”) in this action for October 3, 2016 (ECF No. 19).

2. On September 8, 2016 Defendant Patrick Strateman filed a motion to dismiss Plaintiff’s Complaint (ECF No. 23).

3. As a result of the motion hearing date of October 11, 2016 being later than the CMC, the Parties stipulated to a continuance of the CMC, which the Court granted, setting the present date of November 7, 2016 (ECF No. 30).

4. The Court granted Defendant Strateman’s motion with leave to amend (ECF No. 33). Plaintiff filed his First Amended Complaint (“FAC”) on October 11, 2016 (ECF No. 35).

5. On October 25, 2016, Nominal Defendant Intersango, LLC and Defendant Patrick Strateman each filed a motion to dismiss the FAC, which are both currently set for hearing on November 29, 2016, twenty-two days after the CMC is scheduled (ECF Nos. 36, 37). The motions seek dismissal of this action in its entirety pursuant to Fed. R. Civ. P. 12(b)(6), 23.1 and/or 9(b) for failure to state a claim as to all causes of action.

6. As a result of the November 29, 2016 hearing date for the motions, the CMC on November 7, 2016 would precede the hearing on the motions.

7. Pursuant to Civ. L.R. 6-2, the Parties have agreed and hereby respectfully request that the Court continue the date of the CMC to December 19, 2016, or another date at the Court’s discretion after the hearing on the motions, because:

- a. the matters to be considered at the CMC would be affected by the Court’s determination of the issues of the motions, which are scheduled to be heard twenty-two days after the presently scheduled CMC;
- b. the matters required to be addressed at the CMC can be more efficiently and effectively determined by counsel and the Court once the Court rules on the issues

presented on the motions; and

c. the need for a CMC would become moot if the Court fully grants the motions.

8. There is one previous time modification in this case, continuing the CMC from October 3, 2016 to November 7, 2016 due to the then-pendency of the motion to dismiss the original Complaint.

9. The requested time modification from November 7 to December 19, 2016 for the CMC would reschedule the CMC by 42 days (or such other time period selected by the Court). Deferring the CMC until after the Court's determination of the issues on the motions is in the interest of judicial economy because the time modification will allow the Court to determine if it has federal question subject matter jurisdiction and if the Court should exercise supplemental jurisdiction over the state law claims asserted by Plaintiff. The time modification will also give counsel adequate time following the hearing on the motions to meet and confer on the required subjects to be addressed at the CMC. The continuance would not affect any other scheduled matter in this action to date.

IT IS SO STIPULATED.

Dated: October 27, 2016

/s/ Nathaniel G. Kelly
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Dated: October 27, 2016

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1 Dated: October 27, 2016

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8 **Certification of Compliance with N.D. Cal. L.R. 5-1(i)(3)**

9 I, Gilda R. Turitz, hereby certify that pursuant to N.D. Cal. Civil L.R. 5-1(i)(3), I have
10 obtained authorization from the above signatories to file the above-referenced document and that
11 they have concurred in the filing's content.


12 Dated: October 27, 2016

/s/ Gilda R. Turitz

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14 **ORDER**

15 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** The case management
16 conference currently set for November 7, 2016 is continued to Monday, January 9, 2017.

17 Dated: October 31, 2016

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21 Hon. Yvonne Gonzalez Rogers
United States District Judge

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